

## **ORDINANCES INTRODUCED**

**47.81.16**

**AN ORDINANCE AMENDING ARTICLE II (TAXICABS AND HACKS) OF CHAPTER 353 (VEHICLES FOR HIRE) OF THE CODE OF THE CITY OF ALBANY IN ORDER TO IMPROVE AND MODERNIZE VARIOUS PROVISIONS RELATING TO SERVICE AND REPORTING**

**Council Member Krasher introduced the following:**

**Ordinance Number 47.81.16**

**AN ORDINANCE AMENDING ARTICLE II (TAXICABS AND HACKS) OF CHAPTER 353 (VEHICLES FOR HIRE) OF THE CODE OF THE CITY OF ALBANY IN ORDER TO IMPROVE AND MODERNIZE VARIOUS PROVISIONS RELATING TO SERVICE AND REPORTING**

**The City of Albany, in Common Council convened, does hereby ordain and enact:**

**Section 1. Section 353-28(A)(3) of the Code of the City of Albany shall be amended to read as follows:**

(3) Posted notices. There shall be posted conspicuously on the interior and exterior of each taxicab the phone number of the Commissioner indicating where to direct any complaints relative to the fare charged, appearance or functioning of the vehicles or the conduct of the driver, as well as the availability of a citizen complaint form from the driver, as promulgated by the Commissioner.

**Section 2. Section 353-30 of the Code of the City of Albany shall be amended by adding a new subsection (A)(5) to read as follows:**

(5) Technology shall be available in each taxicab to allow payment of fares and surcharges by credit card or debit card.

**Section 3. Section 353-30 of the Code of the City of Albany shall be amended by adding a new subsection (D) to read as follows:**

D. Fares and surcharges shall be payable by cash, credit card, or credit card in all taxicabs medallioned by the City of Albany.

**Section 4. Section 353-31(B) of the Code of the City of Albany shall be amended to read as follows:**

~~B. There shall be an energy surcharge for trip rates ranging between \$3.50 and \$4.99 in the sum of \$0.50 and for trip rates \$5.00 and up in the sum of \$1.00. This energy allowance shall remain in effect as long as the average price of a gallon of gasoline for the Upstate New York area as reported by the New York State Energy and Research Development Authority (NYSERDA) should exceed \$3.499 per gallon. No energy allowance shall be authorized or collected where the average price of a gallon of gasoline in the Upstate New York region as reported by NYSERDA falls below \$3.50.~~

**Section 5. Section 353-41.1 of the Code of the City of Albany shall be amended to read as follows:**

Within one year of licensure, and every five years thereafter, all licensees shall attend and successfully complete a training program organized and conducted by the Commissioner. Such program shall train licensees in the licensing and conduct requirements of this article, including but not limited to, the requirements of Sections 353-24 (Discrimination Prohibited); 353-30 (Zones and Fares); and Section 353-31 (Surcharges). Such program shall train licensees in the licensing and conduct requirements of this article together with such other information deemed necessary by the Commissioner. Licensees shall be provided with certificates by the Commissioner attesting to their successful completion of the program and the date thereof.

**Section 6. Section 353-42 of the Code of the City of Albany shall be amended to read as follows:**

- B. The Commissioner shall, upon application for a renewal, make such background check of the applicant which, in his or her discretion, is appropriate. At a minimum, it shall include criminal records and Department of Motor Vehicle checks and also review the extent to which complaints filed in accordance with 353-46 have been filed and upheld.

**Section 7. Section 353-46 of the Code of the City of Albany shall be amended to read as follows:**

**Section 353-46. Rules and regulations; Citizen Complaints.**

A. The Commissioner shall promulgate rules and regulations necessary to implement the provisions of this article, failure to comply with which may be the basis of suspension or revocation of the applicable medallion or hack license. Such rules and regulations shall at a minimum, include and specify the following:

~~A.~~ (1) No taxicab driver shall eat, drink, carry opened alcoholic beverages, nor smoke or carry a lighted cigar, cigarette, pipe or other smoking object or device while such taxicab is in service.

~~B.~~ (2) No taxicab driver under 21 years of age shall pick up or deliver any alcoholic beverages.

~~C.~~ (3) No additional fares shall be carried without the consent of the person first hiring the taxicab.

~~D.~~ (4) Drivers' dress-code. All taxicab drivers shall be of and present a neat and clean appearance. ~~Tank tops, cut-off shorts and the like are not permitted. Shirts must be worn and, if of a button type, buttoned to within two buttons of the top.~~

~~E.~~ (5) Driver safety. On and after January 1, 1996, all taxicabs, including ADA accessible vehicles used for taxicab purposes, medallioned by the City of Albany shall be equipped with partitions or shields made of plexiglass or other shatter-proof material, located between and effectively separating the front and rear seats, and amber-colored distress lights mounted on and

clearly visible to passersby from the front and rear of the taxicab. Such partitions and distress lights, together with the manner of installation and/or location, shall be subject to the approval of the Commissioner. The Commissioner is hereby additionally authorized and empowered to adopt, implement and require the installation or implementation of other security features and/or devices as are determined to be reasonably necessary to ensure and protect the safety of the person and property of taxicab drivers. Such determination may be made in conjunction with, but shall not be subject to, the advice and comment of taxicab owners and/or drivers licensed to operate in the City of Albany.

B. The Commissioner shall develop and promulgate a uniform citizen complaint form for use by members of the general public in filing complaints for violations of this Article. Such form shall elicit a description of the incident which is the basis of the complaint, and the time, date and location of such incident, and request such other information as may be deemed appropriate and necessary by the Commissioner. The form shall be signed by the complainant and be printed in English and Spanish. Said form shall also be available electronically. The Commissioner shall acknowledge receipt of the form and promptly investigate and resolve such complaints. The Commissioner may hold a hearing on the subject of the complaint, in accordance with the provisions of this article.

- (1) After receipt and hearing on three citizen complaints, the Commissioner may suspend a taxicab license or medallion for a one year period.

~~F.C.~~ Hearings. Upon the suspension, revocation or denial of a taxicab license or medallion, the owner thereof shall have the right to request a hearing on the charges and/or grounds leading to such suspension or revocation. All such requests shall be in writing to the Commissioner and made within 30 days of the suspension or revocation. The Commissioner shall issue his decision within seven working days of the conclusion of said hearing.

**Section 8. This ordinance shall take effect immediately.**

**APPROVED AS TO FORM ONLY  
July 22, 2016**

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**Corporation Counsel**

## Legislative Memorandum

**TO:** Nala Woodard, City Clerk

**FROM:** Judd Krasher, Council Member

**DATE:** July 20, 2016

**TITLE: AN ORDINANCE AMENDING ARTICLE II (TAXICABS AND HACKS) OF CHAPTER 353 (VEHICLES FOR HIRE) OF THE CODE OF THE CITY OF ALBANY IN ORDER TO IMPROVE VARIOUS PROVISIONS RELATING TO SERVICE AND REPORTING**

**GENERAL PURPOSE OF LEGISLATION:** This ordinance amends Chapter 353 to: require that the required notice posted in each taxi indicate that a complaint form is available; specifies certain topics to be covered in the training required of drivers; requires the Commissioner to review complaints filed by citizens upon renewal of a hack license; requires the Commissioner to promulgate a form for citizen complaints and to make such form available electronically; institute a three-strike rule for violations of Chapter 353 that would grant the City the ability to suspend a hack license and/or medallion; and require that all drivers accept credit card payment of fares.

**NECESSITY FOR LEGISLATION:** A common complaint from business owners and their patrons throughout the City of Albany is the poor quality of taxi cab service. As a partial result of this ongoing frustration, a recent push was made by state and local officials and members of the public to permit ride-sharing entities to do business in the area. Those attempts were unsuccessful.

Regardless of the future of ride-sharing in the City and greater Capital Region, the City has a responsibility to improve taxi service. It is widely agreed upon that taxis are not merely a matter of convenience, they are part of Albany's overall business climate and reputation.

The creation of a citizen complaint form, a three-strike policy and a requirement for taxis to accept credit and debit cards will, if enacted, significantly improve and modernize taxi service in the City of Albany.

**FISCAL IMPACT:** None.